

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-101

KATHY L. PERRY,

Defendant.

ORDER DENYING MOTION FOR CONSIDERATION OF RELIEF

On December 30, 2005, Defendant Kathy L. Perry was convicted of conspiracy to distribute crack cocaine and sentenced to ten years in prison. The ten-year sentence imposed by the court was the mandatory minimum. Perry now seeks reconsideration of the court's sentence based upon the recent changes to the United States Sentencing Guidelines reducing the severity of offense guideline for crack cocaine offenses. Perry requests that the court reduce her sentence based upon the changes which, effective in March, will be retroactive.

Perry's motion will be denied. The sentence imposed by the court in Perry's case was the statutory minimum. Thus, the guideline range had no effect on her sentencing. The court simply lacked authority to impose a sentence less than the mandatory minimum. The United States Sentencing Commissioner's changes to the guidelines does not effect the statutory minimum. Accordingly, Perry is not entitled to relief. Her motion is therefore denied.

SO ORDERED this 5th day of February, 2008.

s/ William C. Griesbach

William C. Griesbach

United States District Judge